

A meeting of the Township of Hamilton Zoning Board of Adjustment was held on the above date with Chairperson, Elaine Valentino, presiding. Members present were Michael Angelo, Wayne Cain, Wayne Choyce, William Christman, Bruce Strigh & alternate member Carl Pitale. Also present was Board Solicitor, Rebecca Lafferty; Zoning Officer, Hannah Desmond; Board Engineer, Kevin Dixon; Board Planner, Robert Watkins; Landscape Consultant, Chris Carey.

Members Absent: Joe Leyenaar

The Statement of Compliance was read.

Announcements: Ms. Valentino stated Application #40-2016 (Peter Dellas) has been set for a continuation hearing on November 28, 2016.

Fernmoor Homes @ Woods Landing; Apps. #12-2016 through 37-2016; Seeking Variances for Front & Rear Yard setbacks for the following: *This is a continuation from July 25, 2016.*

| <u>Block:</u> | <u>Lot:</u> | <u>Address:</u> |
|----------------------|--------------------|------------------------|
| 997 | 88 | 175 Keller Way |
| 997 | 89 | 177 Keller Way |
| 997 | 90 | 179 Keller Way |
| 997 | 91 | 181 Keller Way |
| 997 | 92 | 183 Keller Way |
| 997 | 93 | 185 Keller Way |
| 997 | 40 | 79 Keller Way |
| 997 | 41 | 81 Keller Way |
| 997 | 42 | 83 Keller Way |
| 997 | 43 | 85 Keller Way |
| 997 | 44 | 87 Keller Way |
| 997 | 46 | 54 Keller Way |
| 827 | 2 | 2 Ernst Court |
| 827 | 3 | 4 Ernst Court |
| 827 | 4 | 6 Ernst Court |
| 827 | 5 | 8 Ernst Court |
| 827 | 6 | 10 Ernst Court |
| 827 | 7 | 12 Ernst Court |
| 827 | 8 | 14 Ernst Court |
| 827 | 10 | 18 Ernst Court |
| 827 | 14 | 26 Ernst Court |
| 827 | 15 | 28 Ernst Court |
| 827 | 16 | 30 Ernst Court |
| 997 | 112 | 36 Goetz Court |
| 997 | 113 | 38 Goetz Court |
| 997 | 114 | 40 Goetz Court |

Mr. Kurland gave a brief description of the testimony & the justifications for the variances at the July meeting for these applications. He stated questions were raised about the impact on the drainage system if the variances were granted. The Zoning Board Planner & Engineer submitted reports pertaining to this. Mr. Curcio, engineer with Adams, Rehmann & Heggan, submitted a report to the board & the board professionals & will testify tonight.

Mr. Ronald Curcio, engineer, was sworn in & testified he was involved with the project since it began. The Board accepted his credentials as an expert.

Mr. Curcio commented he was asked to take a look at the basins & drainage impacts based upon questions that arose from the last meeting.

The following was introduced:

Exhibit A-2-Basin Analysis dated 8/11/16

Mr. Curcio prepared this report regarding the 4 basins & described where they are located.

The following was introduced:

Exhibit A-3 – Variance Key Map dated 9/1/16 (details location of the basins)

Mr. Curcio stated the locations of the basins. Phase 5 basin has not been started. The calculations were run based upon the variances being given. Calculations for the Pinelands, 100 year storm & water quality aspects. The basins were designed large enough to handle the small amount of impervious coverage. Mr. Curcio reviewed the letters that he received from the Board Engineer & Planner which accepted the methodology & conclusions he reached.

Mr. Dixon asked Mr. Curcio to explain the nature of the drainage system. Mr. Curcio stated the basins have a liner which is 5 ft. below what you can see & all hold water. The area around the perimeter is used for infiltration & has no liner. It was set 2 ft. above the seasonal high ground water table in accordance with Pineland Regulations. If they were dry they wouldn't be working. In 2010 it was determined that there should be aerators in the basins. Currently the large one by the clubhouse has one & the others will have them installed when the sections are complete.

Mr. Dixon stated he is familiar with this type of basin. He feels they haven't been maintained & are overgrown. The vegetation surrounding the basin isn't supposed to be there along with the cattails & looking like a swamp. The area above the liner needs to be cleared & permeability restored. He suggested the Board makes this as a condition (restoring, maintaining & permeability testing). The basins are supposed to have water in them along with aerators. The developer received a letter from the Township Engineer with a list of items that have to be done regarding the basins. They will work with the Township Engineer & HOA to resolve the issues. The basins are also bonded. Mr. Dixon feels once the basins are restored with the permeability they will work correctly. He stated the aeration should have happened already.

Mr. Choyce expressed his concern with the drainage basins. The present owner, prior to purchasing the property, came before the Planning Board & asked for concessions to the original site plan to make the project affordable for buying & continuing to build. He also wanted to help the residents who already lived there regarding the building of the clubhouse. One of the issues discussed back then (6 years ago) was the drainage basin issues & the owner is coming back again for more concessions but there are still issues with the basins. A condition of the township is drainage basins are to be maintained once a year, be inspected & provide proof that this has been done.

Drainage basins are a major concern for Zoning Board, Planning Board & Township Committee. There is no reason for the drainage basins to be in the condition that they currently are in. Mr. Choyce would like a guarantee that the basins will be taken care of. If needed, the application will be tabled until the basins are corrected.

The HOA owns the basin by the clubhouse but it is still under the bond but in the deed there is a provision that Fernmoor has the right & ability to make the repairs that are required. Once they are released from the bond the HOA is 100% responsible. Mr. Kurland has a letter from the Township Engineer regarding the repairs which are to be made & they will be done as soon as possible. He also stated they will not accept a delay in the action on the application if the basins are not satisfactory.

Mr. Watkins commented on his report dated 9/26/16 in regards to Old Egg Harbor Road & paving. He felt the Board could make a condition in the resolution regarding this paving.

Ms. Valentino stated the Board had concerns regarding this application at the earlier meeting. The 1st one is the Board professionals didn't have a chance to review the plans. The 2nd is the reduction in the setbacks which increases the impervious coverage & storm water management. If the professionals have recommendations for conditions they should be incorporated in any resolution.

Mr. Kurland mentioned Fernmoor would accept a condition of Certificate of Occupancies for the 26 lots in this application NOT issued until the items listed in the engineers report are satisfied for the 2 basins. They haven't received any reports for the other basins.

Mr. Cain noted all the basins are in the same condition & the aeration isn't complete.

Houses need to be sold to generate money in order for Fernmoor to do these repairs. The purpose of the application is to complete the project & sell homes.

Discussion ensued regarding the basins.

Mr. Cain moved, seconded by Mr. Strigh to open for discussion the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Mr. Paul Raetsch, President of the HOA, was sworn in & stated the association had a meeting & they are in favor of all the variance requests for the 26 lots. The permits are needed to sell the type of homes people want to buy. He also stated 3 of the retention ponds matter & the 4th one is in section 5. Of the 3, 2 have aerators (clubhouse & Ernst). The basins are owned by the HOA but haven't been approved by the Township Engineer & Planning Board. The HOA have hired contractors who are maintaining 2 of them. The vegetation is being cut in the fall & the spring. A firm was hired by the HOA that does work with retention ponds & they will start in October with maintenance of them. He has not seen the letter from the Township Engineer regarding the ponds. Mr. Dixon stated that attached to the Declaration page there is an exhibit which has specific information about vegetation control.

Mr. Choyce stated a maintenance plan was a requirement of the Planning Board & Pinelands & has to be adhered to.

Mr. Watkins expressed his concern with the HOA & the fees which are paid to it are not maintaining the basins.

There was discussion with Board Members as to why the HOA is responsible for the maintenance of the ponds when the project isn't finished.

Mr. Kurland requested the application be carried to the October meeting in order to respond to the concerns of the basins. It was suggested by Board Members to also address the condition of the road.

Any plans or documents must be submitted to the Secretary at least 10 days before the meeting.

Mr. Christman clarified for the Board the Planning Board was working with the Developer with concessions on this projects.

The application will be carried to November 28th with no additional need for re noticing or republication. If there are any additional materials are to be presented at the meeting, they must be submitted to the Zoning Office at least 10 days prior to the meeting. Any necessary extensions to the board are granted until the 29th. Public comment will also continue on November 28th.

Keith Boakes & Christine Johnson Boakes; App. #41-2016; Block 980 Lots 21 & 22 ; located at 301-305 Old River Road were present & are seeking a Use Variance & Site Plan Waiver to establish a Pet Crematorium in the existing metal warehouse (no site improvements) & are also seeking a Certificate of Non-Conformity (NJSA 40:55D-68) for the existing single family homes located on Block 980 Lot 22 which have existed before the addition of the current ordinance of 1983 & any other variance(s) found to be necessary.

Solicitor, Rebecca Lafferty, verified that the proof package had been executed properly & taxes are current.

Mr. Keith Davis, Nehmad, Perillio & Davis, stated his client is not proposing any new construction. The building on lot 21 has existed for many years & there is a Zoning Permit dating back to 1983 which will be marked into evidence. This is a pre-existing non-conforming use (construction office). The proposal is for a pet crematorium. A place where families can have their pets in a humane way & can have the remains retrieved in an orderly process handled by the Boakes family. The Boakes family funeral home is on Main Street & they have a profound understanding as to what happens when a family member passes away. They are looking to bring the same set of skills to families who have lost a pet. This site is appropriate for this use; it is less intensive, will have less noise, traffic generation, fumes & smells as opposed to a construction office which could continue on lot 21.

Mr. Boakes owns lot 22 & his wife owns lot 21. There is an intertwining driveway which services both lots. Lot 22 has 2 single family houses which are rented out & these have never been legitimized with an issuance Certificate of Non-Conformity.

In addition to the Use Variance for a Pet Crematorium they are asking for a Certificate of Non-Conformity for the 2 single family homes on lot 22. The cottage was constructed in 1930 as per the tax assessor's card. There will be testimony from neighbors who have lived in that area for years. An aerial photo of the property from 1957 will be introduced as an exhibit. There are no proposals to expand any of the structures. This application is to legitimize the 2 homes on lot 22 & to abandon the more intensive use

of a construction warehouse & replace it with a new non-conforming use which is more appropriate for the property.

Mr. Davis introduced his 1st witness, Helen Freney (283 Old River Rd.) & she was sworn in. She testified she has lived in this area since 1953. Her current house was built in 1954. The larger home was there during that time period & the Adelt's lived there.

Mr. Strigh asked when the Adelt's moved & she answered she wasn't friendly with them & can't recall when they left.

The following witnesses were sworn in:

Mr. Keith Boakes

Mr. Rami Nassar

Mr. Ron Salvatore, Matthews Cremation Division, 2045 Sprint Blvd., Apopka, Fla.

Mr. Salvatore testified the division he works at builds pathological incinerators for humans & animals. He has worked for the company for close to 29 years & has been involved with about 1,000 incinerators with 40 located in NJ. He appeared as a witness at another hearing in Jackson, NJ for a standalone pet crematorium which was an old post office located on a main street. He has also testified at hearings around the country. He also does training & certification of human & animal crematory operators. There are hands on training on site along with advance certifications which is required by NJDEP. The Board accepted his credentials.

Exhibit:

A2-Handout with photos

Mr. Salvatore stated this is the oldest & largest crematorium manufacturer in the world. There are about 5,000 human & pet crematoriums with about 40 in NJ. The 3rd page of the hand out discussing environmental issues & all of the equipment has to meet the same standards. The pet crematorium is smaller than a human one & the environmental requirements are same as humans. The NJDEP standards are very high & the crematoriums must meet the design & performance standards.

There will not be any noxious fumes, offensive noise, & the facility will adhere to the NJ noise control act to the residential properties. Any noise heard will not be any louder than air conditioning. There is no danger with fire either. If a local approval is granted the next step is an application to the DEP. The manufacturing will not commence until the DEP gives their approval & that could take 4-6 months. Once that approval is received, training & certification will start. A maintenance contract will be provided to make certain equipment is working correctly. An annual inspection will be performed to make sure all the equipment is working correctly.

The next to last page of the exhibit shows the inside of the chamber. The upper is where the pet is placed & the lower chamber is where DEP mandates that the gases are held for a certain time & temperature until it is released into the atmosphere.

Mr. Watkins asked how high the flue will be & Mr. Salvatore answered it will be about 3 ft. above the roof line & under certain conditions heat waves may be seen.

Mr. Salvatore stated there are about 15 pet crematoriums in the state which will be standalone buildings. Human crematoriums have to be located in cemetery. There are very few pet cemeteries around. This type of facility is found in an area surrounded by residents & businesses. They do about 70% of the crematoriums in North America. He doesn't believe there is another pet crematorium in Atlantic County & the closest one is located in Vineland. Over the past few years the demand for this type of service has exploded throughout the US.

Mr. Watkins is aware of one located on Rt. 47 needed a Use Variance.

Mr. Dixon stated this is a Use Variance & didn't require a site plan.

Mr. Strigh asked how many employees will be working there.

Mr. Pitale asked if there are any filters & Mr. Salvatore answered no due to the DEP mandating an afterburner be used along with a temperature of 1600 degrees. It will be maintained during the annual maintenance period.

Mr. Boakes (315 Old River Rd.) was sworn in & testified he owns lot 22 & Christine owns lot 21. He is the manager/operator of Boakes funeral home. He is the 2nd generation running the funeral home. He will be operating the business with his wife & there will be 1-2 p/t drivers. Their goal is to service families & veterinarians. There will be 1 van to start with & in the future another one. On a daily basis there will be a maximum trips would be 10. The retort is the cremation machine & has a heat up/cool down period. They can only cremate up to 5 animals per day per retort. The proposed amount of retorts would be 2 but they are starting off with 1.

Mr. Strigh asked how many retorts are being proposed & Mr. Boakes confirmed the maximum is 2 but are starting with 1. The hours of operation are 8 am to 6 pm.

Mr. Boakes stated there are no fumes or sounds associated with the retort. There is only 1 funeral home in NJ which has a crematorium inside. Now only cemeteries are allowed to have crematoriums.

They came up with this idea after their pet died. Today burying a pet on your property is illegal. Mr. Boakes spoke to local veterinarians & they are enthusiastic about this service since it doesn't exist anywhere in this area.

The property was purchased 3 years ago by the Boakes & the building was occupied as a manufacturing & distribution center of laboratory test tubes.

A zoning permit was issued in 1989 for the continuation of a construction business & detached building. The building in the front is a garage & the crematorium will be in the back building. The property was purchased with lots 21 & 22 on the same deed. Mr. Boakes rented the house on lot 22 starting in 2002 & the other house was occupied (ranch) as a residence. It was always a residence. Subdivision wasn't looked into due to the amount of bulk, lot & set back variances due to them existing for 60-70 years.

The purpose of purchasing the properties was for the intention of another family business. Mr. Davis did research to see if there were any records pertaining to this business in zoning & found none. He found property record cards & also noted there weren't any Notices of Violation issued to the 2 homes on the 1 lot along with the business. Everything was consistent with zoning or not serious enough for a violation.

The current condition of the building is beautiful. It has a kitchen, bathrooms, heating, AC, radiant floors, office spaces, conference room & separate warehouse.

The following exhibits were introduced:

- A3- Photographs
- A4- Continued Use Permit for warehouse (from Mr. Norell)
- A5- Electric Bills

The bank stated to Mr. Boakes that these lots had 2 separate uses & wouldn't give him a loan. Lots 21 & 22 have always been separate lots with 1 deed conveying the lots. Exhibit A-4 has the old address for the property. The addresses had changed due to 911. The 2 single family homes are leased separately.

The electric bills show an address of 305 & 305 rear. All the utilities are separate (electric & gas). The water meter has 1 line but the bill shows 2 connections. The business has a well & owner meters.

Mr. Strigh asked why this business couldn't go into the Industrial Park. The building is existing & can be readapted to this use. It will have low intensity. This is a family business.

Mr. Nassar was sworn in & his credentials have been accepted by the Board.

The following exhibits were introduced:

- A-6: Site plan
- A-7: Historic aerials
- A-8: Aerial

He testified that he prepared the aerial (A-7) & site plan (A-6). This was submitted with the application. The aerial shows 2 structures outlined in red. The front structure is the garage which is open & is used as a workshop for personal items. The rear structure is the warehouse which has the amenities

for a business. The building on lot 21 is a pre-existing non-conforming as per exhibit A-4. The historic aerial is from 1957 & the warehouse is there along with a driveway.

Mr. Nassar stated Exhibit A-8 is a 3D aerial (5 years ago). It shows the warehouse, trailer, backhoe, van & 3 cars which indicates a business. The proposed use will be less intensive with less traffic. Vans will come to the site to the loading area. He feels this will be a suitable place for the crematorium. This Use is not allowed in any area of the township. An existing building is being recycled along with no trees being cut down. The fact the operator being located on the same property is also a plus.

The zone is GA-L which allows schools, churches, day cares which are more intense. There is a need for this use-pet cremation is becoming more popular.

The noise decibel should be less than 65 for this use. Mr. Nassar researched the noise for a human crematorium and that is at 55 decibels. This one will be much less.

The only thing being proposed is to restripe the parking area & add handicap signs. There will not be any business signs. The driveway doesn't have to be expanded & the shared portion will be about 850 ft. A condition will be a declaration of cross access easement to legitimize & lawfully allow the residential uses to cross over lot 21 to lot 22.

The non-conforming issue is 2 single family homes on 1 lot & it has to be demonstrated that this has been in existence since 1955.

Exhibit A-9: Property Record Cards

The top card is the cottage which was built in 1930. The 2nd house shows 1980 but those are additions & the main portion was built before that. The aerial (A-7) shows a driveway loop to the residential homes. That leads Mr. Nassar to believe the cottage & house existed as of 1953-1954. The separate utility bills (A-5) also lead him to believe the house existed as of 1953-1954. If a Certificate of Non-Conformity cannot be issued then they are requesting a Use Variance to allow this.

Ms. Valentino asked about the parking for lot 21. There are 3 spaces proposed (1 handicap & 2 regular spaces). The loading area is for the vans. The ADA requirements will be met.

Mr. Watkins asked about the photo of the front of the building where it shows Karate. Mr. Boakes explained he let a friend use the area for his studio & that has been terminated. A floor plan can be supplied as a condition & this will be the only use.

Mr. Strigh asked if there are any signs & the answer was no. Mr. Nassar stated this property is a particularly suitable use. With minimal amount of work it can be done.

Mr. Dixon asked Mr. Nassar about the parking. Mr. Nassar stated the vans will be parked in the loading area or the 15 x 55 area. They can eliminate part of the loading dock for parking spaces. Mr. Dixon suggested the driveway area can have signs which says wait for entering vehicles. The front of the driveway is wide enough for 2 cars. There will not be any signs.

The use will be limited to 2 vans & up to 10 cremations per day (maximum). Traffic from the public will be at a minimum.

Mr. Watkins stated Mr. Davis & Mr. Nassar provided special reasons for this application. The trip generation will not be as intense as the previous uses. The 2 houses on the same lot were there before the zoning ordinance was introduced & the board can vote on this non-conformity. He is fine with the site plan waiver as long as Mr. Dixon is satisfactory with the striping of the parking spaces that he is requiring.

Mr. Carey also visited the property & he also had a hard time locating the site. The property is well screened from the road & suggested a new evergreen tree or shrubs be planted by the handicap stall on lot 19. At the entrance he suggested the site triangle easement be cleaned up for those coming in & out. It is very well concealed from the road.

Mr. Davis explained there are cross easements allowing residents of lot 21 to cross over to lot 22 utilizing the driveway. He would like to formalize this by way of a declaration of cross access easement which will be submitted to Ms. Lafferty for review prior to recording. Lot 21 will have the burden of

letting lot 22 use this as easement. The driveway is exclusively on lot 21. The easement plan will be prepared by Mr. Nassar.

Mr. Pitale asked what kind of traffic the prior business generated. Mr. Boakes answered there were UPS & Fed Ex shipments a few times a day & a tracker trailer about once a month. The traffic in & out there was much more intense. Mr. Boakes has lived there for 10 years & observed the traffic.

Mr. Carey asked Mr. Nassar about the garage doors on the commercial building. Mr. Nassar stated the ones on the bottom will be used for receiving. The vans cannot be parked inside the building.

Ms. Valentino asked if anyone would like to speak for public comment. Mr. Chris Reingruber (313 Old River Rd.) was sworn in & stated he has lived in the residence in front of the Boakes since 2003. The easement runs the length of his property & at that time the Norell's owned it. The funeral home on Main Street is kept neat. The use being discussed is a unique idea. He also feels the town needs more entrepreneurial ideas. He has no issue with what is being proposed.

Dr. Mark Newkirk was sworn in & stated he is a Veterinarian with Newkirk Veterinarians. He feels this is a need for this service locally. Part of his job is euthanizing animals & there isn't any place locally that does cremation to handle the demand of the veterinarians in the area. He uses a place out of North Jersey & outside Philadelphia for the past 20 years. Once he euthanizes the body, it stays in the freezer at his clinic until the other places pick up the bodies & then brings them back. That process can take a long time. He also does euthanizing at homes & the process goes on. He spoke to Mr. & Mrs. Boakes about this need for the area. Dr. Newkirk stated there is a desire for people to have this service & the need is here in this area. He has spoken to other Veterinarians in the area & they were glad to see a service like this being proposed. He lives in Egg Harbor Township.

Mr. Watkins asked how many pet owners ask for this service & Dr. Newkirk answered 3-4 per week. There is no other option other than cremated. The animal shelters are serviced by the county & they may use a county crematorium.

Ms. Valentino asked if anyone else would like to speak for public comment Mr. Cain moved, seconded by Mr. Christman to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Mr. Watkins asked if a freezer would be incorporated & he said yes, a small one. He is looking at this use to be similar to the funeral parlor, small & hands on.

Mr. Davis summarized the application & stated they are requesting a Use Variance. Currently lot 21 has a non-conforming use & what is being proposed is much less intensive. This is based on the proofs. This will be much more compatible & suitable in the zone. There is no other site where this is allowed & believes this is a suitable site. It was also determined that the 2 single family homes on one lot were established before 1955. A certificate of non-conformity is appropriate. A cross access easement will also be established.

Ms. Valentino asked Ms. Lafferty if this is a 2 part application & she stated yes.

Mr. Choyce stated based on testimony presented it was well supported that these 2 homes have existed for a long time & meets the proofs that are required to grant the non-conformity. Members agreed with him.

Mr. Strigh moved, seconded by Mr. Choyce on App. #41-16, Block 980 Lots 21 & 22; located at 301-305 Old River Road to grant the Certificate of Non-Conformity for lot 22 consisting of 2 single family homes on a single lot. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY" and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. ANGELO-AYE
MR. CHRISTMAN-AYE
MS. VALENTINO-AYE

MR. CAIN-AYE
MR. STRIGH-AYE

MR. CHOYCE-AYE
MR. PITALE-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. ANGELO: Based on the testimony I heard today, I vote yes.

MR. CAIN: Based on the testimony & proofs I see no reason not to grant this I vote yes.

MR. CHOYCE: I vote yes. I think the testimony clearly states the 2 single family homes have existed prior to the ordinance being established in the township.

MR. CHRISTMAN: I vote yes. I think it's great we can tie up the loose ends of another weird property situation in Hamilton Township.

MR. STRIGH: Yes. I see no reason not to vote yes to the houses on the property that have existed for a long time & there is no detriment to the community.

MR. PITALE: I vote yes & I appreciate you cleaning this up.

MS. VALENTINO: I vote yes. I, along with members of the board, visited the property & based upon the documentation of the proofs presented & testimony of a neighbor find that this use of 2 dwellings on a single lot predates the ordinance & should continue.

Ms. Lafferty stated the cross access easement will be documented in the resolution.

Ms. Valentino asked if any board members wanted to have a discussion regarding the Use Variance. Mr. Strigh stated it was demonstrated there is a need for a pet crematorium & the testimony from Mr. Salvatore stated the equipment is state of the art. He does have concerns regarding a commercial use in a residential area.

Mr. Choyce also added that the former boat works owner came before one of the Boards a few years ago to reconstruct the private residence & doesn't remember if there was discussion regarding if there was discussion if that business was legal.

Ms. Lafferty stated there conditions are: Cross access easements, site triangle clear out, an evergreen being planted, parking spaces restriped for 5-6 spaces in the loading zone, yield sign, 3 employees, 10 maximum cremations & maximum 2 units.

Mr. Angelo moved, seconded by Mr. Christman on App. #41-16, Block 980 Lots 21 & 22; located at 301-305 Old River Road to grant a Use Variance & Site Plan Waiver in the existing metal warehouse to establish a pet crematorium with all of the above conditions. This new use will be less intense & there is a need in the community. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY" and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. ANGELO-AYE

MR. CAIN-AYE

MR. CHOYCE-AYE

MR. CHRISTMAN-AYE

MR. STRIGH-AYE

MR. PITALE-AYE

MS. VALENTINO-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. ANGELO: Yes.

MR. CAIN: Based on the applicant's professionals, the non-conforming use that existed in this area & our professionals I don't see a detriment. The traffic flow & noise will be less than what was previously there. I vote yes.

MR. CHOYCE: I vote yes. I think in this section of town there have been numerous business venues which started & ended & some still exist today. What is being proposed is less intensive than uses seen on the property in the past. We have heard adequate testimony from the applicant & his professionals that the proposed use will be less intense. The use of cross easements in this area is prominent & a legal document will be drawn up if the ownership of the lots change it will be legally accomplished. There is no detriment to the neighborhood & it is well hidden. We heard from a neighbor who supports this application.

MR. CHRISTMAN: Yes. I echo the sentiments of Mr. Choyce. I would like to thank Mr. Davis, Mr. Nassar & Mr. Boakes. The application was presented in a way which I understand what is happening & why. I think this is family owned & that is a good thing.

MR. STRIGH: I vote yes. There shouldn't be commercial businesses in residential areas & I reluctantly vote yes. I wish Keith & his family good luck & hope you continue to look out for the neighborhood.

MR. PITALE: I vote yes. It was already an existing non-conforming use. I see this will be quieter than what was previously there. As long as the testimony is true about the no smells & no noise I don't see how this will be a problem. Your neighbors don't have a problem with it & I wish you good luck.

MS. VALENTINO: I vote yes. This is not a typical Use Variance for a new use. There was a previous use that pre-dated the ordinance & the proposed use has no objectors. As a matter of fact, a neighbor was here & spoke in favor of the variance. In addition, there is a need for this & that was presented by Dr. Newkirk who is a well-respected veterinarian who pointed out the need for this facility. This is an instance where the proposed use is less offensive than what was previously there.

Mr. Davis thanked the Board.

Ms. Valentino called for a recess at 10:17 pm & the meeting reconvened at 10:27 pm. with the same members in attendance as was before the recess.

Natalie Kelin; App. #42-2016; Block 988 Lot 2; located at 5616 Atlantic Avenue was present & is seeking a Certificate of Non-Conformity to continue the use as a four (4) unit dwelling which existed before the adoption of the current ordinance and any other variance(s) found to be necessary.

Solicitor, Rebecca Lafferty, verified that the proof package had been executed properly & taxes are current.

Ms. Kelin was sworn in & testified she bought a 3 unit house with a detached bungalow in 1993. The house was built in 1920. All these years she has paid rental tax, there are 3 electric meters & she also has a letter from the seller who bought it was a 3 unit house. The township recognizes this as a single family dwelling. She is paying rental tax & the assessment is based on multiple units. The house was old & dilapidated. It was renovated. The township inspectors were there all the time but the township recognizes it as a single family home. She has to prove this is a multi-family house. The man she bought it from bought it in 1965 as a multi-family home. She is also paying for water for 4 units.

Mr. Choyce asked who the renovations were performed by & Ms. Kelin answered she did & got the permits required. The township did all the inspections.

The issue of non-conformity came up when the prospective buyer came to the township building to ask questions. Ms. Kelin wants to make sure this is a legal 4 unit property.

This requires a Certificate of Non-Conformity. The Zoning Officer relayed to Ms. Lafferty the test year for this zone is 1955 (it would have to be proved this was a multi-family back to 1955). If this can't be proved then it will have to be a Use Variance.

Ms. Susan Borlak (247 Weymouth Rd. Buena, NJ) was sworn in. She stated she has known Ms. Kelin since 1964 & the previous owner since 1980. She knew this was a multi-unit house since 1980. She doesn't know if it was a multi-family before 1955.

Ms. Valentino stated with all the paperwork submitted states this was a 2 family home. There are no documents which state this is a 4 unit dwelling.

Ms. Lafferty stated the Board has 2 issues to contend with. The 1st is the applicant has to prove this was a multi-family unit before 1955 in addition to the number of units. The 2nd is

Ms. Kelin explained the 3rd unit looks like an addition was added. She explained the rooms which were there. The bungalow in the back is for her. There are 3 electric meters.

Ms. Valentino commented the property record card has a room count for 2 units, 5 rooms each. Ms. Kelin stated she got rental licenses for 2 units & the bungalow has no renters. The township official's inspected the bungalow.

Mr. Choyce said proofs have to be submitted to show the 3 unit house & bungalow existed before 1955.

Ms. Lafferty stated if she can't prove it was a multi-family dwelling she can obtain a Use Variance. The Board members explained to the applicant what she needed to do in order to prove this existed before 1955.

Mr. Constantine Medwedew (Block 988 Lot 3) was sworn in & stated he knew the previous owner in 1969. He thinks there were 1 or 2 tenants. He doesn't think the bungalow was there. There are also 2 small shacks/sheds that infringe onto his property line & he would like them taken down. He has no knowledge of the property prior to 1969.

The applicant was advised to check with the Historical Society & to do a title search to see if there is any information about the house being multi-family prior to 1955.

Discussion ensued between Board members & the applicant on what she needs to do in order to obtain the Certificate of Non-Conformity.

Mr. Christman moved, seconded by Mr. Cain to table this application until October 24, 2016. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

There is no need for the applicant to re-notice for this meeting unless it turns into a Use Variance.

Authorize Secretary for advertising regarding RFP/RFQ for 2017 Board Professionals- Mr. Christman moved, seconded by Mr. Choyce to authorize this advertising. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," and NO "ABSTAIN."

Ms. Lafferty stated there were 2 changes to the minutes which the Secretary will make.

Approval of Minutes – Mr. Christman moved, seconded by Mr. Cain to approve the minutes from the August 22, 2016 meeting with corrections. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE," NO "NAY," and NO "ABSTAIN."

Memorialization of Resolution- Mr. Choyce commented a change would have to be made in regards to who made the motion. Ms. Lafferty also stated changes were made to indicate Decaeter is an unimproved street & as a condition if the landscaping was not completed in the time frame given, the applicant would have to return the Board for an extension.

Ms. Lafferty also made a change to App. #38-2016 to reflect the garage is for residential use only & electric is the only utility.

Mr. Christman moved, seconded by Mr. Choyce to adopt the resolution for **Mary Lou DeFrancisco -App. #7 -2016; Block 790 Lot 2.01**. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE," NO "NAY," and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. ANGELO-AYE
MR. CHRISTMAN-AYE
MS. VALENTINO-AYE

MR. CAIN-AYE
MR. STRIGH-AYE

MR. CHOYCE-AYE
MR. PITALE-ABSTAIN

SAID MOTION CARRIED.

Mr. Choyce moved, seconded by Mr. Christman to adopt the resolution for **Mark Heyman - App. #38 -2016; Block 333 Lot 31.01**. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE," NO "NAY," and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. ANGELO-AYE
MR. CHRISTMAN-AYE
MS. VALENTINO-AYE

MR. CAIN-AYE
MR. STRIGH-AYE

MR. CHOYCE-AYE
MR. PITALE-AYE

SAID MOTION CARRIED.

Public Comment- Mr. Christman commented there is Active Shooter Training & the Secretary will forward the email to all members.

Ms. Lafferty stated she hasn't seen anything regarding any possible lawsuits.

Adjournment – Mr. Christman moved, seconded by Mr. Choyce to adjourn the Zoning Board of Adjustment meeting at 11:17 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment